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In re Application of	:	DECISION
ALLEGRETTI et al.	:	
Application No.: 09/830,449	:	
PCT No.: PCT/EP99/07887	:	
Int. Filing Date: 18 October 1999	:	
Priority Date: 30 October 1998	:	
Attorney Docket No.: 0471-0260P	:	
For: PROCESS FOR THE PREPARATION OF	:	
ALPHA ARYLALKANOIC ACIDS	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 08 May 2002.

BACKGROUND

On 18 October 1999, applicants filed international application PCT/EP99/07887, which claimed a priority date of 30 October 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 03 May 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2001.

On 27 April 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee and the surcharge under 37 CFR 1.492(e).

On 29 May 2001, a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371" (Form PCT/DO/EO/905) was mailed to applicants requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b). A two month extendable period for reply was set therein.

On 15 October 2001, applicants submitted a "PETITION UNDER 37 C.F.R. § 1.47(a)". The submission was accompanied by: a declaration of inventors; a petition under 37 CFR 1.47(a) including a declaration of facts by Marcello Allegreti, Maria Candida Cesta, and Marco Mantovanini; and a petition/fee for a three month extension of time.

On 08 March 2002, the USPTO mailed a decision dismissing applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided. It was also noted that the declaration of inventors filed 15 October 2001 did not comply with 37 CFR 1.497(a)-(b) because it was not clear what application was being executed. The declaration filed 15 October 2001 appeared to attempt to execute two different applications: United States Application Number 09/830,449 as amended on 27 April 2001 and PCT international application PCT/EP99/7887. It was noted that these applications are not identical because amendments made on 27 April 2001 are not part of the international application. Accordingly, it was indicated that a new oath(s) or declaration(s) in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 May 2002, applicants filed the instant submission which was accompanied by a declaration of inventors signed by all of the inventors.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the renewed petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declaration of inventors filed 08 May 2002 is in compliance with 37 CFR 1.497(a)-(b). Although the declaration again executes United States Application Number 09/830,449 as amended on 27 April 2001 and PCT international application PCT/EP99/7887, the preliminary amendment filed 27 April 2001 merely indicates that the above-identified application is the national stage of international application PCT/EP99/07887.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of **08 May 2002**.



Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs

Application No.: 09/830,449

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